

ALEX G. TSE (CABN 152348)  
United States Attorney

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Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 3:15-CR-582 WHO
	)	
Plaintiff,	)	UNITED STATES' MOTION TO COMPEL
	)	
v.	)	
	)	
ADAM SHAFI,	)	
	)	
Defendant.	)	

The United States hereby files this motion to compel, requiring the defense to comply with this Court's pretrial order, which requires the disclosure by a party of witnesses whom it intends to call the following day by no later than 2:00 p.m. the prior day. Docket No. 199 at pg. 5. Having received no such disclosure at 2:00 p.m. today, the government asked counsel for the defense if they were calling any witnesses tomorrow, after the government calls what it expects to be its final witness, Dr. Lorenzo Vidino. Counsel for the defense replied that they would call Dr. Marc Sageman as their last witness, and would possibly call other witnesses before Dr. Sageman. Counsel provided the government with exhibits to be used with those other witnesses, but declined to identify any witnesses besides Dr. Sageman. When pressed, counsel for the defense respectfully represented to the government that all

1 defense obligations are conditioned on their client's right to an effective defense, and that disclosing any  
2 witnesses beyond Dr. Sageman would undermine that right.

3 The government endeavored to abide by this Court's pretrial order and notified the defense of its  
4 prospective witnesses by approximately 2:00 p.m. each day last week. The government asks the Court  
5 to instruct the defense to return the same courtesy, and to comply with this Court's order. In the  
6 alternative, the government asks the Court to order the defense to call Dr. Sageman first, before it calls  
7 any other witnesses. To the extent the defense calls any witnesses after Dr. Sageman, the government  
8 should be allowed a fair opportunity to prepare for those witnesses, in the spirit of the Court's pretrial  
9 order.

10 The government appreciates that parties have enjoyed a cooperative and courteous relationship  
11 thus far through this proceeding. The government further hopes that relationship will continue,  
12 regardless of the outcome of this motion.

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14 DATED: September 3, 2018

Respectfully submitted,

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16 ALEX G. TSE  
United States Attorney

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